

**REGULAR MEETING OF THE  
BRIGHAM CITY COUNCIL  
JANUARY 29, 2009**

PRESENT:	Lou Ann Christensen	Mayor
	Bruce Christensen	Councilmember
	Scott Ericson	Councilmember
	Reese Jensen	Councilmember
	Ruth Jensen	Councilmember
	Bob Marabella	Councilmember
ALSO PRESENT:	Ben Boyce	Leisure Services Director
	Mark Bradley	City Planner
	Jim Buchanan	Emergency Services Director
	Mary Kate Christensen	City Recorder
	Blake Fønnesbeck	Public Works Director
	Jared Johnson	Community Development Manager
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Sara Lundberg	Museum-Gallery Director
	Kirk Morgan	City Attorney
	Mike Nelsen	Police Lieutenant
	Jim Openshaw	Fleet Manager
	Tyler Pugsley	Assistant Public Works Director
	Jason Roberts	Finance Director
	Paul Tittensor	Chief of Police
	Dennis Vincent	Police Lieutenant
	Alan Wright	Public Works Director

Mayor Christensen called the meeting to order. The Reverence Period was given by Councilmember Reese Jensen. The scouts in the audience led the Pledge of Allegiance. A motion to approve the minutes of October 24, 2008 and January 13, 2009 Work Sessions and December 4, 2008 Council Meeting was made by Councilmember Reese Jensen, seconded by Councilmember Christensen.

**PUBLIC COMMENT**

**CONSENT**

Approval of Natural History Museum Task Force Members

**SCHEDULED DELEGATION**

Bear River Health Department Annual Report  
Engineering Annual Report

**NEW BUSINESS**

Request to Use Sale of Assets Funds to Replace Wrecked Patrol Vehicle  
Proposal for Replacement of 400 North Bridge

**UNFINISHED BUSINESS**

Upland Square Development Agreement  
Request for Approval of Resolution Ratifying Electric Rate Increase  
Recommendations from Staff on Council's Request to Cut 3% from the 2008-09 Budget  
Request to Authorize the Mayor to Sign a Reimbursable Agreement with the Federal Highway Administration for the Bear River Access Road

**MAKING LIFE BETTER - DEPARTMENT REPORTS**

**OTHER BUSINESS**

Schedule a Budget Work Session (*added*)  
Schedule a Risk Management Work Session (*added*)  
Conflict with Senator Bennett's Rural Business Conference and Utah League of Cities & Towns (*added*)

**CLAIMS**

Payment Register

Councilmember Christensen made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

## **PUBLIC COMMENT**

There were no comments from the public.

## **CONSENT**

### **Approval of Natural History Museum Task Force Members**

It was recommended the following individuals be appointed to the Natural History Museum Task Force: Paul Larsen, Councilmember Reese Jensen, Sara Lundberg, Mary Alice Hobbs, Ron Cefalo (Chair), Dennis Fife, Glade Gunther, Clyde Kidman, Lee Ann Matthews and Lynn Raymond.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Marabella, seconded by Councilmember Ericson and unanimously carried.

## **SCHEDULED DELEGATION**

### **Bear River Health Department Annual Report**

Ms. Jessie Adams came forward and stated that they service Box Elder, Rich and Cache Counties. They have seven divisions that work with the Health Department and they provide a lot of different services. Their challenge, in these difficult economic times, is to still provide their resources to the public and still make the best decisions they can with the dollars available.

The Health Department has started working 4-10s; their hours are now 7:00 a.m. to 6:00 p.m. Monday through Thursday. This has been a positive change for their clients as well as staff.

One of their divisions, the Emergency Services Division, hosted the statewide Medical Reserve Corps Summit in Park City. The Medical Reserve Corps consists of medical professionals who donate their time to help in any type of crisis situation.

One of the things the Environmental Health Division issued 407 food permits during the year and conducted 358 inspections.

Last year for the first time the Health Department conducted a free lead testing day. People from the community were allowed to bring any type of product they thought might have lead in it and the Health Department tested them. They found that there were not as many toys with lead in them as there were dishes. The Environmental Health Division educated the participants on how to dispose of them safely and how to use them safely.

When the Brigham City Youth City Council helped pass a Smoking Ordinance, the Health Promotion Division donated signs for Brigham City recreational areas.

The Preventative Health Services Division not only provides immunizations, but they also make house calls. Nurses will go to the homes of new mothers and make sure the mother and baby are doing well and provide any educational services needed.

They have been trying to get more information out to the public on what services they provide. One of the new things they did last year was placed a billboard in Cache County advertising that they have women's treatment services. This will be an ongoing project with the different services they provide.

New this year in the Women, Infants and Children (WIC) Program is a program implemented in businesses that helped them work with breast-feeding employees. This helped improve the morale of those employees in those work forces.

### **Engineering Annual Report**

Mr. Brett Jones from Jones & Associates came forward and reviewed some of the projects they have completed this past year.

- ♦ Wakegan Pipeline - The P&G waterline is complete and is undergoing testing. The sewer line is 95% complete with the pump station at P&G pending. They are currently working on this. The engineering fees on this project were only 1.7%. They are doing well on all pricing for all the P&G projects.
- ♦ Box Elder Creek Rehabilitation - Those areas with the most need from the 2005 flooding were addressed. There was also a lot of work done to the diversion headworks in Mantua. This will allow for a better response in a future flood.

Mr. Jones stated that they are well aware of the economic situation and the difficulties municipalities are having. Therefore, they are not requesting a rate increase for 2009. They have a few cost increases internally, but they are going to absorb those costs.

### **NEW BUSINESS**

#### **Request to Use Sale of Assets Funds to Replace Wrecked Patrol Vehicle**

Jim Openshaw and Lt. Vincent came to the table. Mr. Openshaw said the 2008 Durango is no longer available. They have a 2009 Durango that can be purchased for \$1,000 more. He requested authorization to use funds from the Sale of Assets Fund to replace the wrecked patrol vehicle. When funds are received from the insurance company, the money will be put back into this fund.

The Council discussed the pros and cons of a Durango vs a Crown Victoria with Lt. Vincent. The Police Department feels that the Durango is better suited to winter storms and they go up the mountains better. In the event of a disaster with debris in the streets or damaged street, the Durango does better. They also need something that will tow the speed trailer and the Rhino. The Durango is available immediately but the Crown Victoria would not be available for 6-8 weeks.

Councilmember Marabella asked why they are considering a Hemi motor. Some cities are going to natural gas police vehicles. Lt. Vincent explained that the Hemi and the 4.6 get the same mileage in the City. The Hemi has a system where some cylinders shut down.

Councilmember Marabella asked if they have looked outside of state pricing. In the current economy car dealers are offering great pricing. Mr. Openshaw said he has not looked anywhere else; he has been instructed to go with state pricing on all vehicles. State pricing is usually \$3,000-\$6,000 lower than local dealers. He added that this is the only Durango they were able to find in the area.

Councilmember Christensen said he recently went on patrol with the Police and they got stuck twice. They were in an Impala and there were several places they could not go because they did not have 4-wheel drive. He was in favor of purchasing a 4-wheel drive vehicle.

Councilmember Ruth Jensen said she would like to see vehicles purchased in town so the money stays here. Mr. Openshaw said he has tried to bid in town and the local dealerships cannot come close to state pricing.

MOTION: Councilmember Ericson made a motion to instruct Mr. Openshaw to bid this out to local dealerships with the specifications and come back to the Council next Thursday. The motion was seconded by Councilmember Ruth Jensen.

Councilmember Christensen - aye

Councilmember Ericson - aye

Councilmember Reese Jensen - aye

Councilmember Ruth Jensen - aye

Councilmember Marabella - aye

### **Proposal for Replacement of 400 North Bridge**

Mr. Fonnesbeck and Mr. Pugsley came to the table. Mr. Fonnesbeck explained that the 400 North Bridge was closed due to structural deficiencies. The engineers came with four different options. They felt that the fourth option is the least expensive and best solution in this situation. There is \$93,000 in the General Improvement Fund. If the bid comes in between \$93,000 and \$119,000 he would like to use some of the railroad money from the closure of 300 North to make up the difference. If it comes in over that, they will come back to the Council to look at other options.

The bid will include the removal of the old deck as an alternate to see if that can be included. If it comes in too high with that alternate they will do that in-house.

MOTION: Councilmember Reese Jensen made a motion to approve the replacement of the 400 North Bridge as Option 4. The motion was seconded by Councilmember Ericson. Councilmember Ruth Jensen expressed concern with using the money the City received from the railroad. The Council has talked about not using the money. Mayor Christensen said it really should go back to Public Works to be used for projects. Councilmember Reese Jensen felt this was a logical investment. The money is a return for closing a street so it should be reinvested back into the streets. Councilmember Christensen said the City should be careful with the citizen's money, but City streets should be kept up and kept safe.

Councilmember Christensen - aye

Councilmember Ericson - aye

Councilmember Reese Jensen - aye

Councilmember Ruth Jensen - aye

Councilmember Marabella - aye

### **UNFINISHED BUSINESS**

#### **Upland Square Development Agreement**

Mr. Mark Bradley, Mr. Kirk Morgan and Mr. Brian Arnold came forward. Mr. Bradley reported that he met with the applicants and addressed the issues brought up by the Council during the last Council meeting. The applicant originally wanted to address the language with the commuter rail but have consented to remove that language from the list of uses due to the uniqueness of the location and the distance challenges with the proposed station at 200 South and the Willard Station.

They also discussed whether the residential areas would be home ownership or rentals. They came up with a proposed paragraph that states the maximum number of units on the 25 acres would be 750. It is zoned RM-30, which is 30 dwelling units per acre. If constructed, the maximum number of apartment units allowed will be 375 and the remaining 375 residential units shall be townhouses or condominiums. He added the town homes can be a rental or home ownership. Condominiums are usually designed for home ownership.

Councilmember Christensen asked if they are really planning to have 30 units on one acre. Brigham City currently only has one or two complexes that have 20 units per acre. Mr. Arnold said they do not, but it will be more than 15.

Councilmember Marabella said the City's concern is that a lot of apartments puts a serious drain on the City. Historically there are more police activity at rentals and it is more difficult to collect utilities from renters. Mayor Christensen said a lot depends on the quality of the apartments and the renters. It is currently zoned to allow apartments. Mr. Morgan said if the developers went through the regular process and did not have a development agreement, they could have all apartments in the development. They are trying to work with the City through this agreement. Councilmember Reese Jensen added that the area makes a difference as well. This will be an upscale area which has a big influence on the type of renters.

Mr. Bradley suggested adding a statement to the end of that sentence that states, "If constructed, the remaining 375 potential other residential units shall be townhouses or condominiums *recorded and constructed in a manner for home ownership opportunities.*" Mr. Arnold felt another word other than opportunities would work

better. Mr. Morgan felt that the concerns of the Council are covered with the definitions of condominiums and townhouses.

MOTION: Councilmember Ericson made a motion to approve the Upland Square Development Agreement as amended, seconded by Councilmember Christensen. Voting was unanimous with the following vote:

- Councilmember Christensen - aye
- Councilmember Ericson - aye
- Councilmember Reese Jensen - aye
- Councilmember Ruth Jensen - aye
- Councilmember Marabella - aye

**Request for Approval of Resolution Ratifying Electric Rate Increase**

Mr. Leonard explained that this resolution ratifies the motion the Council made in the January 13th work session to pass on 50% of the two electrical rate increases from WAPA and Rocky Mountain Power.

MOTION: Councilmember Christensen moved to approve the resolution ratifying the electric rate increase, seconded by Councilmember Ruth Jensen.

- Councilmember Christensen - aye
- Councilmember Ericson - aye
- Councilmember Reese Jensen - aye
- Councilmember Ruth Jensen - aye
- Councilmember Marabella - aye

Unanimously carried.

**Recommendations from Staff on Council's Request to Cut 3% from the 2008-09 Budget**

Mr. Roberts joined Mr. Leonard at the table. Mr. Leonard said he met with the directors and talked about the Council's assignment to cut 3% from the general fund budget. They followed up with Councilmember Ericson's suggestion to look at positions that have not been filled or were delayed in filling. They recommended the following items cover the 3% cut:

1. \$64,900 for Risk Management premiums was an over accrual in the Workmen's Comp premium and will be corrected.
2. \$94,000 will be gleaned from wages that will not be paid in the 2008-09 budget.
  - a. Adm Secretary for Economic Development - position not filled
  - b. Golf Course Grounds Maintenance Worker - position vacant 11 weeks
  - c. Temporary Intern in the Mayor's Office - position not filled
  - d. Part-time Secretary III - position will not be filled
  - e. Shop Supervisor - position filled at lower wage rate
  - f. Shop Supervisor - vacant three weeks
  - g. Automotive Mechanic - new hire at lower wage
  - h. Automotive Mechanic - position vacant nine weeks
  - i. Equipment Operator - position vacant ten weeks

Mr. Leonard said they also looked at fuel costs to date. At this point, fuel costs are over budget; however, they are hoping with the lower gas prices that this will even out.

Mr. Roberts said they calculated that there is approximately \$5,000,000 that is unexpended in the 2008-09 budget. The Council's instructions were not to decrease training, salaries, capital projects or fleet costs. These items are approximately \$4,000,000 of the \$5,000,000 which leaves \$1,000,000 of other areas. The 3% cuts listed above equals \$150,000, which would be 15% of the remaining line items. It would be difficult to absorb that amount in only the areas authorized by the Council.

Mr. Roberts added that the increase the Council passed for electric rates will increase the transfer to the General Fund which would also help cover the 3%.

Mr. Leonard said the departments are willing to cut if needed, but they would like to try this approach first and see what happens in the middle of February when the January statements are received.

Councilmember Marabella said his greatest concern is sales tax revenue. He asked Mr. Roberts to get a monthly trend of the last three years for the top 5-10 contributors to the City's sales tax revenue. Employers are cutting back hours and giving mandatory furloughs to cut costs rather than lay people off. Everyone is feeling the effects from this economy. The City should look at this from every possible angle and be able to react. Mayor Christensen said the departments are looking at ways to cut costs and to work together more collaboratively. They are aware of the budget concerns and are looking at ways to cut if necessary.

MOTION: Councilmember Christensen made a motion to accept the report as submitted which complies with the Council's request to cut 3% of the remaining general fund budget, seconded and carried with the following vote:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

**Request to Authorize the Mayor to Sign a Reimbursable Agreement with the Federal Highway Administration for the Bear River Access Road**

Mr. Fonnesbeck came forward and explained that the City needs to acquire the right-of-way for Phase 2 of the Bear River Access Road. It will be \$162,000 for approximately eight acres with 30 different property owners. They will hire a consultant that will contact the property owners, negotiate with the property owners, and take care of the appraisals and title reports. The consultant's fee is approximately \$128,000, which includes the cost of the appraisals and reports.

Councilmember Marabella suggested hiring a local real estate agent, appraiser and title company rather than hiring a consultant. Mr. Fonnesbeck explained that he has to use someone that is on the UDOT approved list in order to use the federal money.

MOTION: Councilmember Reese Jensen made a motion to authorize the Mayor to sign a reimbursable agreement with the Federal Highway Administration for the Bear River Access Road. The motion was seconded by Councilmember Marabella with the following vote:

Councilmember Christensen - aye  
Councilmember Ericson - aye  
Councilmember Reese Jensen - aye  
Councilmember Ruth Jensen - aye  
Councilmember Marabella - aye

**MAKING LIFE BETTER - DEPARTMENT REPORTS**

Police Department - Officer Reed Mackley reported that their K-9 dog, Cello, passed away a few weeks ago. He was a male German Shepherd from Hungary and was both patrol certified and narcotic certified. He expressed his appreciation to the Administration for their support of the K-9 Program. It is a great program that benefits the citizens of Brigham City.

Lt. Mike Nelsen came forward and announced that DARE Officer Ronnie Aldridge was selected as DARE Officer of the Year for Northern Utah. This makes him eligible for the State DARE Officer of the Year.

**OTHER BUSINESS**

**Budget Work Session**

The Council set a Budget Work Session for February 10 at 8:00 a.m.

**Risk Management Work Session**

The Mayor asked Dave Church from the Utah League of Cities and Towns to do a training session on Risk Management. This was scheduled for February 12 at 9:30 a.m.

**Conflict with Senator Bennett's Rural Business Conference and Utah League of Cities and Towns**

Mayor Christensen said Senator Bennett has decided to hold his Rural Business Conference in Brigham City at Utah State University and Bridgerland. This is a real honor for Brigham City. It will be held on April 17, which is the same week as the Utah League of Cities and Towns. Councilmember Marabella and Councilmember Ruth Jensen said they do not plan to attend the ULCT Conference. Councilmember Ericson said he is going to try and do both; he will drive back Thursday night.

**CLAIMS**

**Payment Register**

Councilmember Christensen moved to approve General Claims dated January 20, 2009 in the amount of \$278,546.66; January 28, 2009 for \$104,781.29. The motion was seconded and carried.

A motion to adjourn to an Executive Session was made by Councilmember Marabella. The Mayor asked for a roll call vote. All councilmembers voted aye. The meeting adjourned to a closed session at 9:05 p.m. The Council returned to an open meeting at 9:35 p.m. and adjourned.